

### **AMENDMENTS TO THE DRAWINGS**

One replacement sheet and one new sheet are attached herewith. The Applicant has attached a replacement sheet of previously submitted FIG. 3, which is now renumbered to FIG. 3A. The Applicant has submitted a new sheet of FIG. 3B, representing a flow chart of the method recited in, for example, claim 1. Support for the flow chart appearing in FIG. 3B may be found in, for example, paragraphs 47 and 48 of the Specification. The Applicant submits that no new matter has been introduced by the amendments to the drawings.

### **REMARKS / ARGUMENTS**

The present application includes pending claims 1-30, all of which have been rejected. By this Amendment, claims 1-3, 7, 10-12, 17, 20-22, 27, and 30 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

The drawings have been objected to. Claims 1-3, 11-12, and 21-22 have been objected to. Claims 1-30 have been rejected under 35 USC 112, first ¶. Claims 1-30 have been rejected under 35 USC 112, second ¶. The Applicant respectfully traverses these rejections at least based on the following remarks.

#### **I. DRAWINGS**

The drawings were objected to under 37 CFR 1.83(a) as allegedly failing to show every feature of the invention specified in the claims. More specifically, the Examiner alleges that features recited in claim 1 are not shown in the drawings. The Applicant respectfully disagrees with this objection. However, for purposes of expediting prosecution, the Applicant is attaching herewith one replacement sheet and one new sheet to overcome the objection to the drawings.

The Applicant has attached a replacement sheet of previously submitted FIG. 3, which is now renumbered to FIG. 3A. The Applicant has submitted a new sheet of FIG. 3B, representing a flow chart of the method recited in, for example, claim 1. Support for

the flow chart appearing in FIG. 3B may be found in, for example, paragraphs 47 and 48 of the Specification. The Applicant submits that no new matter has been introduced by the amendments to the drawings. The Specification has been amended accordingly, as set forth above.

## **II. Claim Objections**

Claims 1-3, 11-12, and 21-22 have been objected to for informalities. The Applicant has amended claims 1-3, 11-12, and 21-22, as set forth above, to overcome the claim objections. The Applicant respectfully submits that the objections should now be withdrawn.

## **III. Claim Rejections under 35 USC 112, First ¶**

Claims 1-30 have been rejected under 35 USC 112, first ¶. More specifically, the Examiner states the following in page 4 of the Final Office Action:

Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for one or more transmit and receive frequencies may be assigned as communication channels to provide communication between access point 502a and access point 504a using beam forming antenna path, wherein the assigned channels may constitute a backbone channel 506 (See para. 54), does not reasonably provide enablement for "providing service initially to at least one of a plurality of access devices in the mesh network by said first wireless access point located in said first cell, wherein each of said at least one of said plurality of access devices generates and maintains a handoff candidate list on it own without being prompted to do so by another

device; and servicing said at least one of a plurality of access devices by said at least a second wireless access point located in said second cell, whenever a signal for said at least one of a plurality of access devices fails below a specified threshold, wherein said at least a second wireless access point is selected from said handoff candidate list", as recited in claims 1,11,21. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

The Applicant respectfully disagrees and points out that the above-mentioned recitations from Applicant's claim 1 are sufficiently enabled by the present specification. For example, the Examiner is referred to FIG. 3A and corresponding description of FIG. 3A, which may be found in paragraphs 47-48. More specifically, the Examiner is referred to paragraph 48 in page 16 of the Specification, which supports all of the above recitations of Applicant's claim 1. For purposes of clarification, the Applicant has further summarized the relevant portion of paragraph 48 in paragraph 48.1 and the corresponding new FIG. 3B.

The Examiner also states the following in page 4 of the Final Office Action:

Furthermore, it is unclear how the handoff candidate list in each of said at least one of said plurality of access devices are updated, or whether each of the handoff candidate list is static.

As clearly stated in ¶ 48 of the Specification, the access device 306 may actively scan a list of frequencies for available channels, and then dynamically keep a record (i.e., the handoff candidate list) of the frequency and corresponding signal strength of the

channels it encounters. As clearly stated in ¶ 48 of the Specification, the handoff candidate list is dynamically maintained, i.e., it is dynamic.

Based at least on the above argument, the Applicant respectfully submits that claim 1 is allowable and the rejection of claim 1 under 35 USC 112, first ¶, should be withdrawn. Claims 11 and 21 are substantially similar to claim 1 and are, therefore, also allowable. Claims 2-10, 12-20, and 22-30 depend upon claims 1, 11, and 21, respectively, and are, therefore, also submitted to be allowable at least based on the above reasons.

#### **IV. Claim Rejections under 35 USC 112, Second ¶**

Claims 1-30 have been rejected under 35 USC 112, second ¶, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention.

More specifically, the Examiner states the following in page 4 of the Final Office Action:

With regard to claim 1, it is unclear what is meant by or where to reference "servicing within the mesh network" in line 10, who is serving and who is being served. That is, whether said at least one of a plurality of access devices is serviced by said at least a second wireless access point located in said second cell.

With regard to claim 7, it is unclear whether the uplink and downlink channels each comprises a backhaul channel, or whether a backhaul channel comprises of both uplink and downlink channels.

With regard to claim 10, it is unclear who "determines" in line 3.

The Applicant respectfully disagrees. In reference to claim 1, the Applicant points out that the claim language sufficiently clearly recites the **servicing** and the **serviced** entities. More specifically, claim 1 recites that "said at least one of a plurality of access devices" is **serviced by** "said at least a second wireless access point located in said second cell".

With regard to claim 7, the claim language sufficiently clearly recites that the uplink channel and the downlink channel comprise a backhaul channel, and not the other way around. The Applicant has amended claims 7, 17, and 27 to further clarify that each of the uplink channel and the downlink channel comprises a backhaul channel.

With regard to claim 10, the Applicant points out that the relevant claim limitation recites that the first wireless access point and/or the at least one of a plurality of access devices performs the determining. The Applicant has amended claims 10, 20, and 30 to further clarify the claim language.

The Applicant submits that claims 1, 7, and 10 are allowable and the rejection of claims 1, 7, and 10 under 35 USC 112, second ¶, should now be withdrawn at least

based on the above reasons. Claims 11, 17, 20, 21, 27, and 30 are substantially similar to claims 1, 7, and 10, respectively, and therefore, are also submitted to be allowable.

**V. Antecedent Basis**

The Applicant has amended claims 10, 20, and 30, as set forth above, to address the antecedent basis comment in page 6 of the Final Office Action. The Applicant respectfully submits that there is no antecedent basis issue and claims 10, 20, and 30 are now allowable.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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